

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

ROB CARLSON et al.,

Plaintiffs,

vs.

FEDEX GROUND PACKAGE  
SYSTEM, INC., and FEDEX  
GROUND PACKAGE SYSTEM,  
INC., d/b/a/ FEDEX HOME  
DELIVERY,

Defendants.

No. CV-05-85-BU-SEH

**ORDER**

On September 12, 2012, Special Master, W. Wayne Harper, entered his Findings and Recommendations<sup>1</sup> on Defendant's Renewed Motion to Compel Adequate Responses from Plaintiff Rob Carlson (Carlson). No objections were filed. The Court reviews the Special Master's findings of fact for clear error, and reviews his conclusions of law *de novo*. Fed. R. Civ. P. 53 (f)(3)-(4).

I find no error in the Special Master's Findings and Recommendations and

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<sup>1</sup> Document No. 438

adopt them in full.

ORDERED:

1. Defendant's Renewed Motion to Compel Adequate Responses of Plaintiff Rob Carlson to Revised Interrogatory Nos. 3, 4, 6, 7, 8 and 10<sup>2</sup> is GRANTED in part, and DENIED in part, as follows:

- a. The portion of the motion relating to Carlson's responses to Interrogatory Nos. 3, 7, 8 and 10 is DENIED as moot as Defendant has acknowledged that Carlson's supplemental responses of July 10, 2012, are adequate.
- b. The portion of the motion relating to Carlson's responses to Interrogatory Nos. 4 and 6 is GRANTED to the extent that Carlson's proof at trial as to matters within the ambit of Interrogatory Nos. 4 and 6 shall be limited to the specific disclosures and responses provided by him as of September 12, 2012. Carlson may not present or offer evidence at trial that alters, contradicts, expands, supplements or otherwise changes disclosures and responses.

2. The portion of the motion requesting attorney's fees and costs is GRANTED to the extent that Carlson shall pay 20% of the fees and costs

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<sup>2</sup> Document No. 202

Defendant incurred in preparation of the Renewed Motion to Compel.

3. An award of fees and costs will be addressed by further order after all pending motions to compel have been resolved by the Court.

DATED this 5th day of October, 2012.



SAM E. HADDON  
SAM E. HADDON  
United States District Judge